

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:12-cv-175-RJC

KEITH L. SHROPSHIRE,)	
)	
Petitioner,)	
)	
v.)	<u>ORDER</u>
)	
RENOICE E. STANCIL,)	
Administrator of Bertie Correctional)	
Institution,)	
)	
Respondent.)	
)	

THIS MATTER is before the Court upon Petitioner's Application to Proceed in District Court Without Prepaying Fees or Costs. (Doc. No. 2).

By his Application, Petitioner is seeking permission to proceed with his Petition under 28 U.S.C. § 2254 for a Writ of Habeas Corpus (Doc. No. 1) without having to pay the \$5.00 filing fee for that action. Such Application reports that Petitioner is an inmate at Bertie Correctional Institution in Windsor, North Carolina, and that he is presently employed at the prison and earning wages of \$28.00 per month. (Doc. No. 2 at 1). Petitioner also reports that as of March 14, 2012, the date Petitioner executed his certification of the Application, he had the sum of \$4.98 in his prisoner trust account and this amount appears to be verified by Mrs. Hollow who is identified as an "Authorized officer of Institution/Unit." (Id. at 2).

Pursuant to 28 U.S.C. § 1915(a)(2), a prisoner seeking to proceed in a Section 2254 action without prepayment of fees, in addition to submitting the required affidavit, "shall submit a certified copy of the trust fund account statement (or the institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing of the complaint." Based on

Petitioner's Section 2254 Petition, it appears that he was convicted in state court and sentenced on April 19, 2010. (Doc. No. 1 at 1). It is not clear, although it is likely, that Petitioner has been incarcerated in the North Carolina Department of Corrections from the date of sentencing. If that is the case, Petitioner should have a trust account statement to reflect his earnings and assets which would include more detail regarding his ability to pay than he has reported on his Application. (Doc. No. 2). Based on Petitioner's Application, it appears that he should have sufficient funds to remit at least a portion of the \$5.00 filing fee from the next installment of his monthly income of \$28.00. The provisions of 28 U.S.C. § 1915(a)(2) are mandatory and thus Petitioner will be required to produce a certified copy of his trust fund account statement for the 6-month period preceding the filing of his Petition before this Court can rule on his Application. (Doc. No. 2).

IT IS, THEREFORE, ORDERED that Petitioner shall produce a certified copy of his trust fund account statement within twenty (20) days from service of this Order.

Signed: March 27, 2012



Robert J. Conrad, Jr.
Chief United States District Judge